

EXHIBIT A

Attorney(s): **NICHOLAS J. LEONARDIS, ESQ. ID# 009651992**
 Law Firm: **STATHIS & LEONARDIS LLC**
 Address: **32 SOUTH MAIN STREET**
EDISON NJ 08837
File No: 2219NJL
 Telephone No.: **(723) 494-0600**
 Fax No.: **(732) 494-0206**
 E-mail:
 Attorney(s) for Plaintiff(s): **GABRIELLE NUFRIS, etc.,**

MO 930201

GABRIELLE NUFRIS, etc.,

Plaintiff(s)

vs.
HARLEYSVILLE INSURANCE COMPANY, etc.,

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

DOCKET NO. **MID L 2165-14**

CIVIL ACTION

Summons

From the State of New Jersey

To the Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is provided and available in the Civil Division Management Office in the county listed above or online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$ 135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services Office in the county where you live or the Legal Services of New Jersey statewide hotline at 1-888-LSNJ-LAW (576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is provided and available online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: **April 19, 2014**

MICHELLE M. SMITH

Clerk of the Superior Court

Name of Defendant to be Served: **Harleysville Insurance Company**

Address of Defendant to be Served: **UIM CLAIMS DEPT., HARLEYSVILLE INSURANCE COMPANY, 112 WEST PARK DRIVE, MT LAUREL NJ 08054**

Directory of Superior Court Deputy Clerk Offices County Lawyer Referral and Legal Services Offices

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Floor
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 845-3444
LEGAL SERVICES
(609) 848-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main Street
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Floor, Court Facility
49 Rancocas Road
Mount Holly, NJ 08060
LAWYER REFERRAL
(609) 281-4882
LEGAL SERVICES
(800) 498-4570

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
First Floor, Hall of Justice
101 South Fifth Street, Suite 150
Camden, NJ 08103
LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 North Main Street
Cape May Court House, NJ 08210
LAWYER REFERRAL
(609) 468-0818
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street, P.O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL
(856) 896-5550
LEGAL SERVICES
(856) 891-0494

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Floor, Court House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5860

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Courthouse, First Floor
593 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6365

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flamington, NJ 08822
LAWYER REFERRAL
(908) 785-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 South Broad Street, P.O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Middlesex Vicinage, Second Floor - Tower
56 Paterson Street, P.O. Box 2683
New Brunswick, NJ 08902-2683
LAWYER REFERRAL
(732) 828-0058
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 481-6544
LEGAL SERVICES
(732) 886-0020

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Court Streets, P.O. Box 910
Morristown, NJ 07960-0910
LAWYER REFERRAL
(973) 267-6882
LEGAL SERVICES
(973) 235-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3656
LEGAL SERVICES
(732) 841-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division Court House
77 Hamilton Street
Paterson, NJ 07655
LAWYER REFERRAL
(973) 278-9228
LEGAL SERVICES
(973) 628-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 451-0068

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division, P.O. Box 3000
40 North Bridge Street
Somerville, NJ 08876
LAWYER REFERRAL
(908) 665-2823
LEGAL SERVICES
(908) 281-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
49-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(973) 267-6882
LEGAL SERVICES
(973) 338-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
First Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-6078
LAWYER REFERRAL
(908) 359-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office, Court House
418 Second Street
Belvidere, NJ 07823-1500
LAWYER REFERRAL
(973) 267-6882
LEGAL SERVICES
(908) 475-2010

Legal Services of New Jersey statewide toll
free hotline 1-888-LSNJ-LAW (576-5529)

FILED & RECEIVED #1
2014 APR -8 P 1:51
CIVIL OFFICE
MIDDLESEX COUNTY

NICHOLAS J. LEONARDIS ATTY #009651992
STATHIS & LEONARDIS LLC
32 South Main Street
Edison, New Jersey 08837
(732) 494-0600
File: 11-2219NJL
Attorneys for Plaintiff

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MIDDLESEX COUNTY
DOCKET NO. L-2165-14

GABRIELLE NUFRIS, an individual, :

Plaintiff, :

Civil Action

v. :

COMPLAINT & JURY DEMAND

HARLEYSVILLE INSURANCE :
COMPANY, a business entity, :

Defendant.

Plaintiff, Gabrielle Nuftris, residing at 40 Juniper Way, in the Township of Hamilton,
County of Mercer, and State of New Jersey, complaining of the above-named defendant, says:--

VENUE

Venue in this matter is properly laid in Middlesex County by virtue of the fact that
Defendant, Harleysville Insurance Company is an insurance company, while located in
the State of Pennsylvania, does business throughout the State of New Jersey, including
Middlesex County.

FIRST COUNT

1. On or about July 22, 2010, Plaintiff, Gabrielle Nuftris, during the course of his employment with D&G Papering and Painting, was a passenger in a motor vehicle being operated by Mohammad Y. Khan on Hamilton Avenue in Trenton, Mercer County, New Jersey.

2. At the time and place aforesaid, Yvens Joseph was the owner of a motor being operated by him on Hamilton Avenue in Trenton, Mercer County, New Jersey.

3. Yvens Joseph did so negligently and carelessly own, operate, control and/or maintain his motor vehicle so as to cause same to collide into the rear of the fully-stopped motor vehicle in which Plaintiff, Gabrielle Nuftris was a passenger.

4. As a direct and proximate result of the aforesaid carelessness and negligence of Yvens Joseph, Plaintiff, Gabrielle Nuftris was caused to sustain, and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalization, and medication, and has been and will in the future continue to be hampered in his daily routine.

5. At the time of the accident aforesaid, Yvens Joseph did maintain liability insurance, and did tender his limited \$15,000.00 policy limits.

6. At all times relevant herein, the Plaintiff, Gabrielle Nuftris was "insured" under a certain policy of insurance with the Defendant, Harleysville Insurance Company (hereinafter referred to as Harleysville), bearing policy number BA97340F, which policy was in effect at all times relevant herein.

7. On or about July 22, 2010, Plaintiff, Gabrielle Nuftris was involved in the motor vehicle accident aforesaid, caused by an underinsured vehicle.

8. Pursuant to the policy of insurance issued to D&G Paper and Painting by the Defendant, Harleysville, the Plaintiff did properly notify the Defendant, Harleysville of a claim for UIM benefits. Defendant, Harleysville did provide Longworth approval to settle with the tortfeasor, and proceed with the UIM arbitration.

9. An underinsured motorist (UIM) arbitration was conducted on March 14, 2014, and, thereafter, the arbitrators made their decision and award. The arbitrators found that the Plaintiff was entitled to recover uninsured motorist benefits, and found one hundred (100%) percent responsibility for the underlying accident on the part of the insured tortfeasor. In addition, the arbitrators awarded the gross sum of \$852,000.00.

10. Defendant, Harleysville has rejected the award and has demanded that the matter proceed to trial. See Exhibit A – letter of Charles Little, Jr., Esq. dated March 18, 2014.

11. Pursuant to said demand, Plaintiff now files the within action.

WHEREFORE, Plaintiff, Gabrielle Nuftris does hereby demand judgment against the Defendant, Harleysville Insurance Company, for:

- a. Compensatory damages;
- b. Reasonable attorney's fees;
- c. Medical expenses;
- d. Interest and costs of suit; and,
- e. Such other relief as the Court may deem equitable and just.

SECOND COUNT

(BAD FAITH)

1. Plaintiff, Gabrielle Nuftris hereby repeats and reiterates all of the allegations contained in the foregoing Count, as though fully set forth at length herein.

2. As referenced above, the Defendant, Harleysville did issue a policy of automobile insurance to D&G Paper and Painting Co., which was in full force and effect at the time of the aforesaid accident. Said policy did contain UIM benefits in the amount of \$1,000,000.00.

3. Pursuant to the Longworth approval provided by the Defendant, the Plaintiff did settle with the tortfeasor for the balance of their policy limits, or \$15,000.00. As such there remains UIM benefits available to the Plaintiff of \$985,000.00.

4. Plaintiff did formally demand that the Defendant, Harleysville in good faith, tender their remaining UIM limits. The arbitration award of March 14, 2014, was \$852,000.00. Defendant rejected that award, and to date, Defendant, Harleysville has failed to act in good faith and tender their policy limits. The Defendant's actions constitute *Bad Faith*.

WHEREFORE, Plaintiff, Gabrielle Nuftris does hereby demand judgment against the Defendant, Harleysville Insurance Company, for:

- a. Compensatory damages;
- b. Punitive damages;
- c. Medical expenses;
- d. Reasonable attorney's fees;
- e. Interest and costs of suit; and,
- f. For such other relief as the Court may deem equitable and just.

JURY DEMAND

Plaintiff hereby demands a trial by a jury of six (6) persons on all issues so triable.

DESIGNATION OF TRIAL ATTORNEY

Pursuant to R. 4:25-4, Nicholas J. Leonardis, Esq. is hereby designated as trial counsel.

STATHIS & LEONARDIS LLC
Attorneys for Plaintiff

By:


NICHOLAS J. LEONARDIS

DATED: April 4, 2014

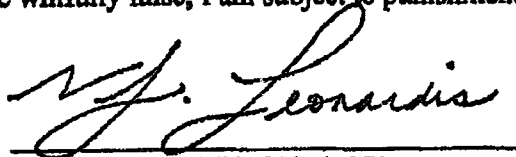
CERTIFICATION PURSUANT TO R. 4:5-1

It is hereby certified that to the best, present knowledge of Counsel for Plaintiff, that the matter in controversy which is the subject of this litigation involving the named parties hereto, is not the subject matter of controversy in any other pending litigation or arbitration proceeding, and to the best of my knowledge and belief, no other action or arbitration proceeding is contemplated.

To the best of my knowledge, information and belief, there are no other parties to be joined in this action, and I recognize my continuing obligation to file and serve on all parties and the Court an amended certification if there is a change in the facts herein.

I further certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



NICHOLAS J. LEONARDIS

DATED: April 4, 2014

EXHIBIT B

BA00000097340F



Harleysville Preferred Insurance Company
 355 Maple Avenue
 Harleysville, PA 19438-2297
 www.harleysvillegroup.com

Insured: D & G Papering and Painting Co
 Agent: HARRAH & ASSOCIATES

Policy Number: BA00000097340F
 Policy Period: 07/19/2010 to 07/19/2011
 CORRECTED NEW BUSINESS

COMMERCIAL LINES COMMON POLICY DECLARATIONS

Named Insured and Mailing Address:

D & G Papering and Painting Co
 Giorgio Talone
 118 Bethel Ave
 Trenton, NJ 08620-2304

Agent:

HARRAH & ASSOCIATES
 2426 NOTTINGHAM WAY
 TRENTON, NJ 08619

Agency Code: 293714
 Phone Number: (609)587-8030

Policy Period: 07/19/2010 to 07/19/2011

at 12:01 A.M. Standard Time at your mailing address
 shown above.

Business Description:

Painting Contractor

Form of Business:

CORPORATION

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE AS STATED IN THIS POLICY. IF YOU REQUEST CANCELLATION OF THIS POLICY, THE COMPANY WILL RETAIN A MINIMUM PREMIUM OF \$ 100

THIS POLICY CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

Coverage Part	Premium
Commercial Property Coverage Part	
Commercial General Liability Coverage Part	
Crime and Fidelity Policy Coverage Part	
Commercial Inland Marine Coverage Part	
Commercial Auto Coverage Part	\$ 2,865.00
Commercial Liability Umbrella Policy	

Sub-Total	\$ 2,865.00
Fees and Surcharge - See Schedule GU-7015 (If Applicable)	\$ 26.00
Total	\$ 2,891.00

FORM (S) AND ENDORSEMENT (S) MADE A PART OF THIS POLICY:
 SEE SCHEDULES GU-7004 and GU-7009

GU-7000 (Ed. 4-09)

Page: 1 of 1
 Issued: 07/22/2010

Insured Copy

BA00000097340F



Harleysville Preferred Insurance Company
355 Maple Avenue
Harleysville, PA 19438-2297
www.harleysvillegroup.com

Insured: D & G Papering and Painting Co
Agent: HARRAH & ASSOCIATES

Policy Number: BA00000097340F
Policy Period: 07/19/2010 to 07/19/2011
CORRECTED NEW BUSINESS

POLICYHOLDER NOTICE SCHEDULE

The following material contains important information about your policy. Please read it carefully.
ALL FORMS ARE ATTACHED. RETAIN UNLESS DELETED OR REPLACED.

Form	Edition	Description
		POLICY FORMS
GU1197	0706	Harleysville Insurance Privacy Pledge
ST7536	0704	Automobile Ins Consumer Bill Of Rights (New Jersey)

BA00000097340F



Harleysville Preferred Insurance Company
355 Maple Avenue
Harleysville, PA 19438-2297
www.harleysvillegroup.com

Insured: D & G Papering and Painting Co
Agent: HARRAH & ASSOCIATES

Policy Number: BA00000097340F
Policy Period: 07/19/2010 to 07/19/2011
CORRECTED NEW BUSINESS

FORM SCHEDULE

ALL FORMS ARE ATTACHED. RETAIN UNLESS DELETED OR REPLACED.

Form	Edition	Description
		POLICY FORMS
PJ0004	0205	Policy Jacket- HPIC
* GU7005	0409	Location Schedule
GU7013	0409	Declaration Page Extension
* GU7015	0409	Fees and Surcharge Schedule
IL0003	0907	Calculation of Premium
IL0017	1198	Common Policy Conditions
IL0141	0807	New Jersey Changes - Civil Union
IL0208	0907	New Jersey Changes - Cancellation and Nonrenewal
		COMMERCIAL AUTOMOBILE FORMS
A132L	0909	New Jersey Auto Insurance Buyer's Guide
* A1725D	0704	New Jersey Comm Auto Insurance Coverage Selection Form
CA0001	0306	Business Auto Coverage Form
CA0184	0995	New Jersey Changes - Physical Damage Inspection
CA0188	0608	New Jersey Changes
* CA2114	0208	New Jersey Uninsured and Underinsured Motorists Cov
CA2386	0106	Exclusion of Terrorism Above Minimum Statutory Limits
* CA7145	0595	New Jersey UM and UIM Motorists Coverage Changes
CA7200	1106	Commercial Automobile Broad Form Endorsement

NEW JERSEY UNINSURED AND UNDERINSURED MOTORISTS COVERAGE

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement changes the policy effective on the inception date of the policy unless another date is indicated below.

(Authorized Representative)

Paragraph 4. Of CHANGES IN CONDITION is replaced by the following:

- ## ARBITRATION

- a. If we and an "insured" disagree whether the "insured" is legally entitled to recover damages from the owner or driver of an "uninsured motor vehicle" or an "underinsured motor vehicle" or do not agree as to the amount of damages that are recoverable by that "insured," then the matter may be arbitrated. However, disputes concerning coverage under this endorsement may not be arbitrated. Either party may make a written demand for arbitration. In this event, each party will select an arbitrator. The two arbitrators will select a third. If they cannot agree within 30 days, either may request that selection be made by a judge of a court having jurisdiction. Each party will pay the expenses it incurs and bear the expenses of the third arbitrator equally.
- b. Unless both parties agree otherwise, arbitration will take place in the county in which the "insured" lives. Local rules of law as to arbitration procedure and evidence will apply. A decision agreed to by two of the arbitrators will be binding only if neither "we" nor an "insured" demand a trial within 30 days after the award. Trial will be in a court of competent jurisdiction. Trial will be on all issues of the award.

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Gabrielle Nuftris

(b) County of Residence of First Listed Plaintiff Mercer County, NJ
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm, Name, Address, Email and Telephone Number)
Nicholas J. Leonhardis, Esq.; Stathis & Leonhardis LLC
32 South Main Street
Edison, NJ 08837
(732)494-0600

DEFENDANTS

Harleysville Preferred Insurance Company, improperly pled as Harleysville Insurance Company

County of Residence of First Listed Defendant Montgomery County, PA
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
Lance J. Kalik, Esq.; Riker Danzig Scherer Hyland & Perretti LLP
Headquarters Plaza; One Speedwell Ave.; P.O. Box 1981
Morristown, NJ 07962
(973)538-0800; lkalik@riker.com

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☒ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. 1332, 1441 and 1446

Brief description of cause:

Claim for underinsured motorist benefits and bad faith against commercial auto insurer

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an "X" in one of the six boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

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Attorneys for Defendant,
Harleysville Preferred Insurance Company, improperly pled as Harleysville Insurance
Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

Gabrielle Nuftris,

Plaintiff,

vs.

Harleysville Insurance Company, a business
entity,

Defendant.

CIVIL ACTION NO.

**RULE 7.1 CORPORATE DISCLOSURE
STATEMENT**

Pursuant to Fed. R. Civ. P. 7.1, defendant Harleysville Preferred Insurance Company (improperly plead as Harleysville Insurance Company) (“Harleysville”), by and through its undersigned counsel, states that Harleysville is a wholly owned subsidiary of Harleysville Group, Inc., which is a wholly owned subsidiary of Nationwide Mutual Insurance Company. None of these entities are publicly owned. .

Respectfully submitted,

By: : /s/ Lance J. Kalik
Lance J. Kalik (LK-4677)
RIKER, DANZIG, SCHERER,
HYLAND & PERRETTI LLP
Attorneys for Defendant,
Harleysville Preferred Insurance
Company, improperly pled as
Harleysville Insurance Company

Dated: 6/4/14

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Company

**IN THE UNITED STATES DISTRICT COURT
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Gabrielle Nuftris,

Plaintiff,

vs.

Harleysville Insurance Company, a business
entity,

Defendant.

CIVIL ACTION NO.

CERTIFICATE OF SERVICE

I hereby certify that on this day, I caused one copy each of Harleysville Preferred Insurance Company, improperly pled as Harleysville Insurance Company's notice of removal; civil cover sheet; Fed. R. Civ. P. 7.1 Corporate Disclosure Statement; and certificate of service to be served on the following counsel of record via facsimile and Federal Express:

Nicholas J. Leonardis, Esq.
Stathis & Leonardis LLC
32 South Main Street
Edison, NJ 08837

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully submitted,

By: : /s/ Lance J. Kalik
Lance J. Kalik (LK-4677)
RIKER, DANZIG, SCHERER,
HYLAND & PERRETTI LLP
Attorneys for Defendant,
Harleysville Preferred Insurance
Company, improperly pled as
Harleysville Insurance Company

Dated: June 4, 2014

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